Remarks

As suggested by Examiner in the Advisory Action of January 28, 2004, pertaining to the original application, the claims of this RCE application are amended to make clear that the claimed subject matter concerns the automatic scheduling of recording of broadcast programs, without intervention by a user.

The specification and new claims describe a technique of scheduling the reception of a series of programs by a single device, in which different ones of the programs are repetitively and sequentially transmitted over different channels. The program transmission is such that some of the programs on different channels overlap and therefore interfere with each other in terms of priority of reception by the single device. The invention automatically partitions the interfering programs into separate groups and assigns unique priorities for reception to each group and to each program within a group, such that all reserved programs are automatically received from their respective channels in the sequence of their priority. This relieves a user of having to specify a priority for all programs, which can become quite confusing when more than a handful of programs are involved.

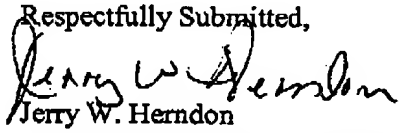
Hertz (U.S. 5,758,257) is cited as invalidating prior art. Herz does not teach or suggest the claimed algorithm. Rather, the present invention and Herz compliment each other. Herz describes an algorithm for selecting one or more sequences of programs for individual users according to profiles that describe their preferences for materials (see Figs. 4 and 5 and the Summary of the Invention) and presenting the sequences to a user on separate channels. Herz recognizes that programs on different channels can be overlapping (col. 27, lines 47-59), but it does not describe any algorithm for automatically scheduling the reception of different programs from different channels. The present invention schedules the reception of programs; Herz schedules the transmission of programs. When Herz refers to scheduling, it is referring to the selection and placement of programs in the channels. so that a user has a selection of desired programs to choose from, rather than a multitude of programs of no interest. Herz is not

referring to the automatic prioritization of scheduling the reception of interfering programs. Herz leaves it to the user to select a desired program from a channel in real time as the user wishes (see col. 5, lines 9-18).

So, Herz and the present invention are completely compatible with each other and Herz does not anticipate or render obvious the present invention. Herz and the present invention would be combined by repeating the material in each of the Herz channels on a scheduled basis and by placing the present invention to the right of the channels provided by Herz in Figs. 4 or 5. An interface to the EPG 200 of the present invention would be provided so that the time and channel of programs can be obtained. Then a GUI 250 would be provided so that a user can reserve in advance those programs to be received and recorded. The claimed invention would then automatically schedule a reception priority for each reserved program and record the programs according to the scheduled priority.

The distinction between Herz and the present invention is clear. Herz generates the channels of material presented to a user; the present invention schedules the reception of the material, including programs that interfere with other in terms of receiving and recording. The amended claims better reflect these differences and makes clear that the claimed matter is automatic. Examiner is respectfully requested to reconsider the new claims and pass this case to issue.

Respectfully Submitted,



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